

Jonathan Schwalb, Esq.
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85 Broad Street, Suite 501
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Attorney for Selene Finance LP as servicer for
Wilmington Savings Fund Society, FBS, doing business as Christiana Trust, not in its
Individual Capacity but Solely as Legal Title Trustee for
Bronze Creek Title Trust 2013-NPL1
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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IN RE:

Patricia Britton

Debtor

-----X

:CASE NO.: 19-17738

:

:CHAPTER: 13

:

:HON. JUDGE.:

:Michael B. Kaplan

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:HEARING DATE:

:June 11, 2019 at 10:00am

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NOTICE OF OBJECTION TO CONFIRMATION OF PLAN

PLEASE TAKE NOTICE that Selene Finance LP as servicer for Wilmington Savings Fund Society, FBS, doing business as Christiana Trust, not in its Individual Capacity but Solely as Legal Title Trustee for Bronze Creek Title Trust 2013-NPL1 (“Secured Creditor”), the holder of a mortgage on real property of the debtor(s), by and through its undersigned attorneys, hereby objects to the confirmation of the Chapter 13 Plan on grounds including:

1. Secured Creditor is the mortgagee pursuant to the Note and Mortgage executed by Debtor on October 6, 1998, pledging the real property located at 301 Canterbury Way, Princeton, NJ 08540 (the “Property”) as security.

2. Debtor(s) plan fails to provide for the claim of Secured Creditor. The objecting creditor is due arrears of approximately \$148,780.83 with a total estimated claim amount of \$226,961.43, which are set forth in a Proof of Claim filed on May 23, 2019 (claim 5-1).
3. Debtor(s) plan as proposed appears to contemplate that there will be no cure for the prepetition arrears of Secured Creditor unless or until the property is sold. Moreover, the debtor(s) are obligated to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322 (b)(5). Accordingly, in the event that the ongoing sale efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C. § 1325(a)(1).
4. Secured Creditor objects to the value as indicated in Debtor's petition. Secured Creditor requests additional time to obtain a valuation of the property.
5. Debtor(s) seeks to modify the rights of Secured Creditor, which is the holder of a claim secured only by a security interest in real property. Furthermore, Debtor's proposed plan fails to provide any supporting information or documentation regarding the sale, retaining a broker, listing agreement etc. If there is in fact equity in the property, Secured Creditor objects to any order unless the loan is paid in full based off a payoff provided at closing. If the property has no equity, and any potential short sale must have Secured Creditor approval. In addition, Secured Creditor objects to six (6) month time period for the Debtor to be able to sell the property as the proposed plan indicates.
6. Debtor(s) proposed plan fails to comply with the requirements of the Bankruptcy Code and is not proposed in good faith.
7. Debtor(s) proposed plan does not provide that Secured Creditor retain its lien.
8. Debtor(s) proposed plan is not feasible.
9. Debtor(s) proposed plan fails to comply with other applicable provisions of Title 11.

In the event any portion of the claim is deemed to be an unsecured claim as defined by the Code, objection is hereby made pursuant to 11 U.S.C § 1325(a)(4) and 1325(b), et seq. unless the plan provides for full payment of the claim.

FRIEDMAN VARTOLO LLP
85 Broad Street Suite 501
New York, New York 10004
Attorneys for Secured Creditor,

By: /s/ Jonathan Schwalb
Jonathan Schwalb, Esq.

Date: May 31, 2019

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Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

Patricia Britton

Case No.: 19-17738

Chapter: 13

Adv. No.: _____

Hearing Date: June 11, 2019 at 10:00 AM

Hon. Judge: Michael B. Kaplan

CERTIFICATION OF SERVICE

1. I, Theodore Weber :

☐ represent _____ in the this matter.

☒ am the secretary/paralegal for Jonathan Schwalb, Esq., who represents
Selene Finance LP in the this matter.

☐ am the _____ in the this case and am representing myself.

2. On May 31, 2019, I sent a copy of the following pleadings and/or documents
to the parties listed in the chart below.

- Notice of Objection to Confirmation of Plan

3. I certify under penalty of perjury that the above documents were sent using the mode of service
indicated.

Date: May 31, 2019

/s/ Theodore Weber
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Patricia Britton 304 Canterbury Way Princeton, NJ 08540	Debtor(s)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Robert C. Nisenson Robert C. Nisenson, LLC 10 Auer Court Suite E East Brunswick, NJ 08816	Debtor(s) Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)